

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT



Application No. 16285 of Marshall Heights Community Development Organization, Inc., pursuant to 11 DCMR 3107.2 for a variance from Subsection 2000.6 to allow the conversion of two existing non-conforming four-unit apartment buildings to two nonconforming two-unit flats in an R-2 District at premises 525 and 529 55th Street, NE (Square 5225, Lots 805 and 807).

**Hearing Date:** November 19, 1997  
**Decision Date:** November 19, 1997 (Bench Decision)

**SUMMARY ORDER**

The Board provided proper and timely notice of the public hearing on this application by publication in the D.C. Register, and by mail to Advisory Neighborhood Commission (ANC) 7C and to owners of property within 200 feet of the site.

The site of the application is located within the jurisdiction of ANC 7C. ANC 7C, which is automatically a party to this application, did not file a written statement.

As directed by 11 DCMR 3324.2, the Board required the applicant to satisfy the burden of proving the elements which are necessary to establish the case for a variance from the strict application of the requirements of 11 DCMR 2000.6. No person or entity appeared at the public hearing in opposition to this application or otherwise requested to participate as a party in this proceeding. Accordingly, a decision by the Board to grant this application would not be adverse to any party.

Based upon the record before the Board, the Board concludes that the applicant has met the burden of proof, pursuant to 11 DCMR 3107, that there exists an exceptional or extraordinary situation or condition related to the property which creates a practical difficulty for the owner in complying with the Zoning Regulations, and that the requested relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the zone plan as

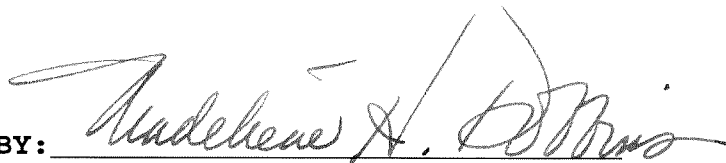
embodied in the Zoning Regulations and Map. The Board concludes that granting the requested relief will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Map. It is therefore **ORDERED** that the application be **GRANTED**.

Pursuant to 11 DCMR 3301.1, the Board has determined to waive the requirement of 11 DCMR 3331.3 that the order of the Board be accompanied by findings of fact and conclusions of law. The waiver will not prejudice the rights of any party, and is appropriate in this case.

**VOTE:** 3-0 (Betty King, Sheila Cross Reid and Susan Morgan Hinton to grant; Laura M. Richards not voting, not having heard the case)

**BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT**

**ATTESTED BY:**



**MADELIENE H. DOBBINS**  
**Director**

**FINAL DATE OF ORDER:** DEC 8 1997

PURSUANT TO D.C. CODE SEC.1-2531 (1987), SECTION 267 OF D.C. LAW 2-38, THE HUMAN RIGHTS ACT OF 1977, THE APPLICANT IS REQUIRED TO COMPLY FULLY WITH THE PROVISIONS OF D.C. LAW 2-38, AS AMENDED, CODIFIED AS D.C. CODE, TITLE 1, CHAPTER 25 (1987), AND THIS ORDER IS CONDITIONED UPON FULL COMPLIANCE WITH THOSE PROVISIONS. THE FAILURE OR REFUSAL OF APPLICANT TO COMPLY WITH ANY PROVISIONS OF D.C. LAW 2-38, AS AMENDED, SHALL BE A PROPER BASIS FOR THE REVOCATION OF THIS ORDER.

**BZA APPLICATION NO. 16285**

**PAGE 3**

UNDER 11 DCMR 310.1, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF TWO YEARS, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS.

16285/bab

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT



**BZA APPLICATION NO. 16285**

As Director of the Board of Zoning Adjustment, I hereby certify and attest that on DEC 8 1997 a copy of the order entered on that date in this matter was mailed first class postage prepaid to each party who appeared and participated in the public hearing concerning the matter, and who is listed below:

Katherine Salathe', Program Manager  
Marshall Heights Comm. Develop. Org., Inc.  
3917 Minnesota Avenue, NE, Second Floor  
Washington, DC 20019

Edward H. Harris, Chairperson  
Advisory Neighborhood Commission 7C  
1101 51st Place, NE  
Washington, DC 20019

A handwritten signature in dark ink, reading "Madeliene H. Dobbins". The signature is fluid and cursive, with a long horizontal line extending from the end of the name.

**MADELIENE H. DOBBINS**  
Director

**DATE:** DEC 8 1997